IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7191 OF 2005
IN
CRIMINAL APPLICATION NO. 3490 OF 1999

Vasant Mahadev Thakar. ..Applicant.

V/s.

Mohan Shrinivas Moholkar & Anr. ..Respondents.

Mr.Sandeep A. Bhagwat & S.J.Chitale for applicant.

Mr.Fatangare for respondent No.1.

Ms.M.H.Mhatre, APP for State.

CORAM: A.M.KHANWILKAR,J

DATE : NOVEMBER 18, 2005.

P.C. :

1. Heard counsel for the parties. Indeed, delay in taking out this application is inordinate delay. Nevertheless, the advocate has personally filed affidavit taking responsibility of the inaction. The reason given is that the advocate was not aware that matter was listed on 26th March, 2004, when the same came to be dismissed for non-prosecution.

2. In view of the candid stand taken by the advocate on record for the applicant, in my opinion, in the interest of justice, the application deserves to be allowed in terms of prayer clause (a), on

condition that the applicant shall pay costs to respondent No.1 quantified at Rs.3,000/-. The costs will be paid by the advocate on record of the applicant to the respondent No.1.